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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,120	03/24/2004	Kang Soo Seo	1740-00009-4US	3670
36593 7590 07/07/2010 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
TEKLE, DANIEL T				
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2621				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,120

Applicant(s)

SEO ET AL.

Examiner

DANIEL TEKLE

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-6, 15, 16, 18, 19, 21-25, 27, 29-34, 36, 37 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-6, 15-16, 18-19, 21-25, 27, 29-34, 36-37 and 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1-2, 4-6, 15-16, 18-19, 21-25, 27, 29-34, 36-37 and 39-42 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim 1-2, 4-6 and 39-42** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
3. The claim recites, *inter alia*, "A computer readable storage medium having a computer readable program stored thereon that is ..." After close inspection, the Examiner respectfully notes that the disclosure, as a whole, does not specifically identify what may be included as a computer readable storage medium and what is not to be included as a computer readable storage medium.
4. An Examiner is obliged to give claims their broadest reasonable interpretation consistent with the specification during examination. The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is

silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal, *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter.

5. Therefore, given the silence of the disclosure and the broadest reasonable interpretation, the computer readable storage medium of the claim may include transitory propagating signals. As a result, the claim pertains to non-statutory subject matter.

6. However, the Examiner respectfully submits a claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim. Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning that includes signals *per se*. For additional information, please see the Patents' Official Gazette notice published February 23, 2010 (1351 OG 212).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, 4-6, 15, 16, 18, 19, 21-25, 27, 29-34, 36-37 and 39-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuga et al. (US 5,691,972).

Regarding Claim 1: Tsuga et al. discloses a recording medium storing a data structure for managing reproduction of video data recorded on the recording medium, comprising: a data area storing multi-path video data corresponding to a plurality of reproduction paths forming different versions of one title to be reproduced exclusively (**column 11 line 51 to column 12 line 9**); wherein the plurality of reproduction paths include a first reproduction path forming a first version of one title and a second reproduction path forming a second version of one title (**column 11 line 51 to column 12 line 9**), and at least a portion of the first and second reproduction paths are configured in parallel so either the first or the second reproduction path is reproduced when a version is reproduced (**column 12 lines 1-9, column 12 lines 15-25 and fig. 8a-8c**), wherein the first reproduction path and the second reproduction path include a common path portion referring to a same clip file (**column 12 lines 1-9, column 12 lines 15-25**); and a navigation information area storing playlists including reproduction information of the multi-path video data, wherein the number of the playlists is the same as the number of the reproduction paths of multi-path video data (**Fig. 8a-8c and fig. 11**).

Regarding Claim 2: Tsuga et al. discloses a recording medium of claim 1, wherein each of the playlists is associated with all of clip files for one path of the plurality of reproduction paths (**Fig. 8a-8c**).

Regarding Claim 4: Tsuga et al. discloses a recording medium of claim 1, wherein each of the playlists, includes a plurality of playitems, different playitems included in the

different playlists identifies the same clip file referred by the common path portion of the plurality of reproduction paths **(Fig. 8a-8c)**.

Regarding Claim 5: Claim 5 reject for the same reason to claim 1 as discussed above.

Regarding Claim 6: Tsuga et al. discloses a recording medium of claim 5, wherein at least one of the plurality of playitems identifying the clip file referred by the common path portion of the plurality of reproduction paths **(Fig. 8a-8c)**.

Regarding Claims 15-16: Claims 15-16 are rejected for the same subject matter as claim 1 and 5 respectively as discussed above.

Regarding Claims 18-19: Claims 10-19 are rejected for the same subject matter as claims 1 and 5 respectively as discussed above.

Regarding Claim 21: Claim 21 reject for the same reason to claim 1 as discussed above.

Regarding Claim 22: Claim 22 is rejected for the same subject matter to claim 21 as discussed above.

Regarding Claim 23: Claim 23 reject for the same reason to claim 2 as discussed above.

Regarding Claim 24: Claim 24 reject for the same reason to claim 4 as discussed above.

Regarding Claim 25: Tsuga et al. discloses a method of claim 16, wherein at least one of the plurality of playitem identifying the clip file referred by the common path portion of the plurality of reproduction paths **(Fig. 8a-8c)**.

Regarding Claim 26-28: Claim 26-28 are rejected for the same subject matter as claim 23-25 respectively as discussed above.

Regarding Claim 29: Tsuga et al. discloses a method of claim 21, wherein the number of the playlists is the same as the number of the reproduction paths of the multi-path video data (**Fig. 8a-8c**).

Regarding Claim 30: Tsuga et al. discloses a method of claim 29, wherein each of the playlists is associated with all of the clip files for one path of the plurality of reproduction paths (**Fig. 8a-8c**).

Regarding Claim 31: Claim 31 reject for the same reason to claim 4 as discussed above.

Regarding Claim 32: Tsuga et al. discloses a method of claim 21, wherein the playlist includes a plurality of playitems identifying a plurality of different clip files of the multi-path video data(**Fig. 8a-8c**).

Regarding Claim 33: Tsuga et al. discloses a method of claim 32, wherein at least one of the plurality of playitem identifying the clip file referred by the common path portion of the plurality of reproduction paths (**Fig. 8a-8c**).

Regarding Claim 34 and 36-37: Claim 34 and 36-37 are rejected for the same subject matter as claim 29 and 31-32 respectively as discussed above.

Regarding Claim 39: Tsuga et al. discloses a recording medium of claim 1, the navigation information area further stores a parental control information for reproducing permitted parental level of the title (**fig. 7**).

Regarding Claim 40: Tsuga et al. discloses a recording medium of claim 1, further one of the versions of the title is a parental control version of the title (**fig. 7**).

Regarding Claim 41: Tsuga et al. discloses a computer readable recording medium of claim 1, having a general information file identifying a file name of a playlist wherein the general information file, a playlist file including the playlist and a clip information file including attribute information of corresponding clip file being a separate file from each other (**fig. 5**).

Regarding Claim 42: Tsuga et al. discloses a computer readable recording medium of claim 5, having a general information file identifying a file name of a playlist, wherein the general information file, a playlist file including the playlist and a clip information file including attribute information of corresponding clip file being a separate file from each other (**fig. 5**).

Regarding Claim 43: Tsuga et al. discloses the recording medium of claim 4, wherein the common path portion included in the first reproduction path and the second reproduction path being indentified by a same playitem with a same time based in-point and out-point (**fig. 8a-8c**).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/
Examiner, Art Unit 2621